

I hereby certify that this correspondence is being filed via  
EFS-Web with the United States Patent and Trademark Office  
on April 1 2010

PATENT  
Attorney Docket No.: 022259-001010US

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GARREN et al.

Application No.: 10/524,643

Filed: February 10, 2005

For: METHODS AND IMMUNE  
MODULATORY NUCLEIC ACID  
COMPOSITIONS FOR PREVENTING  
AND TREATING DISEASE

Customer No.: 20350

Confirmation No. 1611

Examiner: Minnifield, Nita M

Technology Center/Art Unit: 1645

DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

1. The above-referenced patent application refers to the plasmid pBHT1.
2. I certify that:
  - (a) pBHT1 was deposited on June 26, 2009 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209 and granted accession number PTA-10152. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

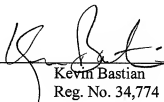
(b) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the plasmid identified in Paragraph (a) will be irrevocably removed upon the granting of the patent for the above-identified application. Access to the deposits will be available during pendency of the application to one determined by the Commissioner to be entered thereto under 37 CFR §1.14 and under 35 USC §122.

(c) The deposited plasmid identified in Paragraph (a) above will be maintained at the ATCC and replaced in the event of mutation, non-viability or destruction for a period of at least five (5) years after the most recent request for release of a sample received by ATCC, for a period of at least thirty (30) years after the date of deposit, or during the enforceable life of the related patent, whichever period is longest.

Date:

April 1, 2010

By:

  
Kevin Bastian  
Reg. No. 34,774